

## Dragon, Karen E. (CDC/NIOSH/EID)

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**From:** esloan@sslc.net  
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**To:** NIOSH Docket Office (CDC)  
**Cc:** Chen, Jihong (Jane) (CDC/NIOSH/EID) (CTR)  
**Subject:** 221 - NIOSH Regulatory Agenda for updating 42 CFR Part 84 Comments

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### Comments

Change 42 CFR Part 84

The Problem:

1. Respirator manufacturers are issued NIOSH approvals for Cylinders they don't manufacture.
2. NIOSH provides approvals for "entire SCBA ensembles only", limiting competition for replacement. I should be able as a end user to replace my expired SCBA cylinders with factory direct cylinders.
3. Current approval system unnecessarily drives up the price end users pay for replacement cylinders. As a end user the cylinder I purchase are marked up in price by the SCBA manufacture and the local distributor.
4. NIOSH approval process is redundant; cylinders are already federally regulated by the USDOT & Transport Canada.
5. NIOSH approval process provides NO additional liability protection to users.

### Financial impacts:

1. Fire Departments pay excessively high prices for spare & replacement SCBA cylinders from respirator manufacturers - yet receive no added benefits. I have had to purchase SCBA cylinder for up to three times the cost as buying factory direct.
2. Current system negatively impacts Fire Departments & End User budgets.
3. Municipalities and other governments budgets are negatively affected.

### Product impacts:

1. Approval holders do not manufacture cylinders; as a result, they serve as a barrier between cylinder manufacturers and end users limiting cylinder innovation & improvements. For example when I asked my local distributor about cylinder options they have little if any. When doing some cylinder research I discovered that manufactures have DOT approved 30 year cylinders.

### Safety impacts:

1. NIOSH approval process does not improve or ensure the safety of cylinders.
2. NIOSH approval already requires cylinders be DOT approved, inclusion of the cylinder into the ensemble approval adds no additional measure of safety.

How can these issues be resolved?

1. NIOSH should provide a "Separate Cylinder Approval" which would allow users to choose cylinders from more than a single source.
2. Elimination of the cylinder from the ensemble approval would save Fire departments millions of dollars annually which could be better used for adequate staffing and other department needs.